

Application No.: 10/798,830

Docket No.: 00131-00317-US1

**REMARKS****Status of Claims:**

Claims 1-15 were pending in the application; claims 1-6 and 10-15 were cancelled without prejudice or disclaimer of subject matter contained within. Claims 7-9 are now pending. Each of the pending claims defines an invention that is novel and unobvious over the cited art. Favorable consideration of this case is respectfully requested.

**Disclosure Supporting the Instant Amendment:**

Claim 7 is hereby amended to recite: "a solution" Support for this recitation was present in the original disclosure at, for example, the Example at paragraph [0029]. The amendments do not introduce new matter.

**Rejections Under 35 U.S.C. § 103(a):**

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over any of Stone (5,948,269) or Benjamin (5,911,882).

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. *In re Royka*.<sup>1</sup> All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*.<sup>2</sup> (MPEP § 2143.03). When evaluating the scope of a claim, every recitation in the claim must be considered. See e.g. *In re Ochiai*.<sup>3</sup> (MPEP § 2144.08). The evidentiary record fails to teach each recitation of the present invention. Specifically, the references taken as a whole or severally fail to teach a solution comprising ferric nitrate.

<sup>1</sup> *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

<sup>2</sup> *In re Wilson*, 424 F.2d 1382, 165 USPQ 496 (CCPA 1970).

<sup>3</sup> *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995).

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The claims have been amended to specifically recite a solution comprising ferric nitrate. Benjamin does not teach a solution. Benjamin discloses forming a solid mineral by coating a support media, such as sand or olivine, with iron salts. Stone relates to iron salt solutions. However, Stone does not teach ferric nitrate. Stone discloses iron hydroxides, carbonates, and oxides. The application shows that the use of nitrate is advantageous over other ions and specifically provides an example of better performance than ferric chloride, one of the combinations claimed in Stone. The application cites the oxygen-donor ability of the nitrate as the distinction, which is not apparent from Stone.

**Conclusion:**

In view of the above, consideration and allowance are respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



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